

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: P. RUBIN *et al.*

Application No.: To Be Assigned

Group Art Unit: 1614

Filed: Concurrently Herewith

Examiner: R. Cook

For: METHODS FOR TREATING
APNEA AND APNEA DISORDERS
USING OPTICALLY PURE (+)
NORCISAPRIDE (As amended)

Attorney Docket No.: 4821-468-999

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

Applicants respectfully request entry of the following amendments and remarks into the above-identified application. Applicants also submit herewith a marked up copy of the amendments to the specification (EXHIBIT A).

IN THE TITLE

Please replace the title with the following:

--METHODS FOR TREATING APNEA AND APNEA DISORDERS USING
OPTICALLY PURE (+) NORCISAPRIDE--

IN THE SPECIFICATION

Please amend the specification as follows:

On page 1 , line 4 before "1. **FIELD OF INVENTION**," please insert the following:

--This is a division of Application No. 09/515,390, filed February 29, 2000, which has been allowed, which is a division of Application No. 09/332,196, filed June 14,

1999, now U.S. Patent 6,048,879, which claims priority of Provisional Application Nos. 60/089,224 and 60/122,275, filed on June 15, 1998 and March 1, 1999, respectively--

IN THE CLAIMS

Please cancel claims 1-54 and 65-70 without prejudice.

REMARKS

Claims 55-64 and 71 are currently pending in this application for the Examiner's consideration and review. The title has been amended to more clearly reflect the subject matter of the invention. The specification has been amended to recite that this application is a division of Application No. 09/515,390, filed February 29, 2000, which has been allowed, which is a division of Application No. 09/332,196, filed June 14, 1999, now U.S. Patent 6,048,879, which claims priority of Provisional Application Nos. 60/089,224 and 60/122,275, filed on June 15, 1998 and March 1, 1999, respectively

Claims 1-54 and 65-70 have been canceled without prejudice to the Applicants' right to file one or more continuation, divisional, or continuation-in-part applications direct to the canceled or unclaimed subject matter. The claims are supported by the application as originally filed, and no new matter has been introduced.

Applicants respectfully request that the above made amendments and remarks be entered and be made of record in the application.

No fee is believed due for this submission. However, should any fee be due, please charge such fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date February 15, 2002


Dean L. Fanelli 48,907
(Reg. No.)

For: Stanton T. Lawrence, III (Reg. No. 25,736)

PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, DC 20006
(202) 496-4400

Enclosure

Divisional of Application No. 09/515,390; Filed: February 15, 2002
By: P. RUBIN *et al.*; Attorney Docket No. 4821-???-999

EXHIBIT A

Marked up Copy of the Specification as Amended¹

IN THE TITLE

Please amend the title as follows

METHODS FOR TREATING APNEA[,] AND APNEA DISORDERS[, BULIMIA
AND OTHERDISORDERS] USING OPTICALLY PURE (+) NORCISAPRIDE

IN THE SPECIFICATION

Please amend the specification as follows:

On page 1 , line 4 before "**1. FIELD OF INVENTION**," please add the
following:

--This is a division of application no.09/515,390, filed February 29, 2000, which is a
divisional of application no. 09/332,196, filed June 14, 1999, which claims priority of
Provisional Application Nos. 60/089,224 and 60/122,275, filed on June 15, 1998 and March
1, 1999, respectively--

IN THE CLAIMS

Please cancel claims 1-54 and 65-70 without prejudice.

¹ Deletions are shown in brackets and additions are shown underlined.

10035617-021502